
Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Paragraph 9. (See end of Document for details)

SCHEDULES

SCHEDULE 1

BANK PAYROLL TAX

PART 1

THE TAX

“Relevant banking employee”

- 9 (1) An employee of a taxable company is a relevant banking employee of the taxable company if—
- (a) the employment in which the employee is employed by the taxable company is a banking employment, and
 - (b) either—
 - (i) the employee is resident in the United Kingdom in the tax year 2009-10, or
 - (ii) the duties of the banking employment are at any time in that tax year performed wholly or partly in the United Kingdom.
- (2) “Banking employment” means an employment the duties of which are wholly or mainly concerned (whether directly or indirectly) with activities to which subparagraph (3) applies.
- (3) This subparagraph applies to activities which are—
- (a) listed regulated activities, or
 - (b) activities which are not listed regulated activities but consist of the lending of money or of dealing in currency or commodities as principal.
- (4) “Listed regulated activity” means an activity which is a regulated activity for the purposes of FISMA 2000 by virtue of any of the following provisions of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544)—
- (a) article 5 (accepting deposits),
 - (b) article 14 (dealing in investments as principal),
 - (c) article 21 (dealing in investments as agent),
 - (d) article 25 (arranging deals in investments),
 - (e) article 40 (safeguarding and administering investments),
 - (f) article 53 (advising on investments), and
 - (g) article 61 (entering into regulated mortgage contracts).
- (5) But an activity is not a listed regulated activity in relation to an employee of a taxable company if—

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Paragraph 9. (See end of Document for details)

- (a) the taxable company is an insurance company, or a member of the same group as an insurance company, and the activity is carried on wholly on behalf of the insurance company, or
 - (b) it—
 - (i) is either of the activities described in the provisions mentioned in sub-paragraph (4)(c) and (d), and
 - (ii) is carried on as part of, or wholly in support of, activities of the taxable company, or of a company which is a member of the same group as the taxable company, and the activities consist of acting as discretionary investment manager for clients none of which is a linked entity.
- (6) An employee of a taxable company who spends no more than 60 days in the United Kingdom in the tax year 2009-10 is to be treated as not being a relevant banking employee of the taxable company.
- (7) In determining for the purposes of sub-paragraph (6) whether an individual spends no more than 60 days in the United Kingdom treat a day as a day spent by the individual in the United Kingdom if (and only if) the individual is present in the United Kingdom at the end of the day.
- (8) But in determining that issue for those purposes do not treat as a day spent by the individual in the United Kingdom any day on which the individual arrives in the United Kingdom as a passenger if—
- (a) the individual departs from the United Kingdom on the next day, and
 - (b) during the time between arrival and departure the individual does not engage in activities which are to a substantial extent unrelated to the individual's passage through the United Kingdom.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2010, Paragraph 9.